

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSE A. VARGAS,

Plaintiff,

v.

LIEUTENANT SMITH, et al.,

Defendants.

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Case No. 3:18-cv-496-JPG-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Now pending before the Court is the Motion for Recruitment of Counsel filed by Plaintiff on September 11, 2018 (Doc. 30). The Motion is **DENIED WITHOUT PREJUDICE**.

Plaintiff has no constitutional nor statutory right to a Court-appointed attorney in this matter. *See Pruitt v. Mote*, 503 F.3d 647, 649 (7th Cir. 2007). However, 28 U.S.C. § 1915(e)(1) provides that the Court “may request an attorney to represent any person unable to afford counsel.” Plaintiff was granted leave to proceed *in forma pauperis* in this matter while he was incarcerated. Plaintiff has now been released from prison; but, there is no showing that he is unable to afford counsel at this time. In any event, Plaintiff has offered no details as to why counsel should be appointed in this matter. As set forth in this Court’s previous Order (Doc. 18), Plaintiff appears capable of reading and writing in English and should have access to a local library where legal resources should be available. Moreover, Plaintiff should be able to access the Pro Se Litigant Guide, which is available on the Court’s website ([www.ilsd.uscourts.gov](http://www.ilsd.uscourts.gov)). Plaintiff no longer is limited by his incarceration and he appears competent to litigate this matter without counsel.

To the extent that Plaintiff seeks other relief, such as a stay or to amend the complaint, such requests are **DENIED**. Any request to amend the complaint should be made by separate motion

and should include the proposed amended pleading. Plaintiff is nonetheless **GRANTED** until November 9, 2018 to file a response to the pending motion for summary judgment (Doc. 27).

Once the motion has been determined, a Scheduling Order will enter in this matter.

**DATED: October 16, 2018**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**